



~~August 21, 2007 CPC~~
~~September 18, 2007 CPC~~
September 26, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0333

Chesterfield County Board of Supervisors

Midlothian Magisterial District
Davis Elementary; Providence Middle; and James River High Schools Attendance Zones
Southwest quadrant of Midlothian Turnpike and Chippenham Parkway

REQUEST: Rezoning from Residential (R-7), Neighborhood Business (C-2), Community Business (C-3), Regional Business (C-4) and General Business (C-5) to Regional Business (C-4) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

A mix of commercial, office and residential uses, including multi-family, townhomes and detached single family dwellings, is planned. Specifically, a maximum of 750 residential dwelling units (Textual Statement III.A.3) and a minimum of 200,000 square feet of commercial and office uses may be developed. (Textual Statement III.A.4)

PLANNING COMMISSION RECOMMENDATION

ON SEPTEMBER 18, 2007, THE COMMISSION DEFERRED CONSIDERATION OF THIS REQUEST TO OCTOBER 16, 1007. THEREFORE, IT WOULD BE APPROPRIATE FOR THE BOARD TO DEFER THIS REQUEST TO OCTOBER 24, 2007.

STAFF RECOMMENDATION

Should the Planning Commission and Board of Supervisors determine that this proposal supports the revitalization efforts along the eastern Midlothian Corridor, approval of this request would be appropriate.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

CONDITION

(STAFF) The Textual Statement dated August 6, 2007, shall be considered the Master Plan.
(P)

GENERAL INFORMATION

Location:

Southwest quadrant of Midlothian Turnpike and Chippenham Parkway, also north line of Cloverleaf Drive and the northern terminus of Starview Lane. Tax IDs 764-705-3864, 6668 and 8227; 764-706-3159-00001 and 00002 and 8861-00001 and 00002; 764-707-6112-00001 and 00002; 765-704-2693; 765-705-4651, 5781, 7651 and 7962; 765-706-1010-00001 and 00002, 4170, 6964, 8068 and 8842; and 765-707-6600.

Existing Zoning:

R-7, C-2, C-3, C-4 and C-5

Size:

83.0 acres

Existing Land Use:

Commercial or vacant

Adjacent Zoning and Land Use:

North - C-3; Commercial or vacant

South - C-4, O-2 and R-7; Commercial, office, residential or vacant

East - C-5 and R-7; Residential, vacant, Chippenham Parkway (Route 150) and the City of Richmond

West - C-5, A and R-7; Commercial, residential or vacant

UTILITIES

Public Water System:

The public water system is available to serve this site. There is an existing twelve (12) inch water line extending from north to south along the western side of the request site from an existing twelve (12) inch water line on the north side of Midlothian Turnpike, and connecting to a twelve (12) inch water line in Cloverleaf Drive. Use of the public water system is proposed. (Textual Statement III.A.7)

Public Wastewater System:

The public wastewater system is available to serve this site. There is an existing twelve (12) inch wastewater trunk line extending from the north side of Midlothian Turnpike and continuing along the western side of the request site. Use of the public wastewater system is proposed. (Textual Statement III.A.7)

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains in two (2) directions. The majority of the currently developed property and the undeveloped property drains to the south under Cloverleaf Drive and Starview Lane to the ponds at Cloverleaf Lake Apartments and then under Chippenham Parkway. A small portion of the developed property drains to the east, directly under Chippenham Parkway.

There are currently no on-site drainage or erosion problems and none are anticipated after development. There are no known off-site erosion problems; however, Cloverleaf Lake Apartments have, since the mid 1970s, experienced flooding of several of the units within at least one of the buildings. With this re-development, an opportunity exists to re-direct some of the runoff from existing impervious areas away from Cloverleaf Lake Apartments, thereby, reducing the impacts of current flooding of the apartments (Textual Statement III.A.16). However, due to the larger upstream drainage area, this will not eliminate the flooding of Cloverleaf Lake Apartments. The language of the condition, however, states that such drainage will be redirected as much as “practicable” from existing impervious areas, but does not identify who will make that determination. Staff suggests that language be added to state that the Environmental Engineering Department will make such determination. Small areas in the southern and eastern portions of the request property are currently wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering and the appropriate devices installed. (Textual Statement III.A.17)

Water Quality:

With re-development, the Chesapeake Bay Ordinance will require a reduction in phosphorous runoff.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and further detailed by specific departments in the applicable sections of this analysis.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5) existing stations.

Based on 750 dwelling units, this request will generate approximately 257 calls for fire and emergency medical service each year. The impact of this development on Fire and EMS services is addressed in the “Fiscal Impact” section of this analysis.

The Buford Fire Station, Company 9, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately 398 (Elementary: 172, Middle: 98, High: 128) students will be generated by this development. Currently, this site lies in the Davis Elementary School attendance zone: capacity - 664, enrollment - 691; Providence Middle School zone: capacity - 1,089, enrollment - 926; and James River High School zone: capacity - 2,050, enrollment - 2,065. The enrollment is based on September 29, 2006 and the capacity is as of 2006-2007.

This request will have an impact at the elementary and high school levels. There are currently two (2) trailers at Davis Elementary and three (3) at Providence Middle. This case, combined with other residential developments and zoning cases in the area, will continue to push these schools to capacity, necessitating some form of relief in the future. The impact of this development on school facilities is addressed in the “Fiscal Impact” section of this analysis.

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed county-wide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Development of the request property could affect the existing Bon Air Library or the La Prade Library. The impact of this development on library facilities is addressed in this "Fiscal Impact" section of this analysis.

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) regional, seven (7) community and twenty-nine (29) neighborhood parks by 2020. In addition, there is currently a shortage of community and neighborhood park acreage in the county. The Public Facilities Plan identifies a need for 354 acres of regional park space, 252 acres of community park space and 199 acres of neighborhood park space by 2020. The Plan also identifies the need for linear parks and resource based-special purpose parks (historical, cultural and environmental) and makes suggestions for their locations. The Plan also addresses the need for additional recreational facilities to include sports fields, trails, playgrounds, court games, senior centers and picnicking area/shelters at existing parks to complete build-out. Co-location with middle and elementary schools is desired. The Plan also identifies the need for water access to James and Appomattox Rivers and their major tributaries, Swift and Falling Creeks. The impact of this development on park facilities is addressed in the "Fiscal Impact" section of this analysis.

Police Department:

A portion of this project will be occupied by high density residential uses. With the support of the County Administration, the Police Department seeks to have developers of new high density residential projects implement its recommendations for Crime Prevention Through Environmental Design (CPTED) which are planning and designing principles that constitute proactive crime prevention tools. Through CPTED principles, proper design and effective use of the environment can lead to a reduction in the fear and incidence of crime. In addition, the Police Department recommends that high density residential projects either enter into a contract for the permanent presence of a police officer on the premises or annually submit a security plan to the Police Department for review and approval. The Police Department's security concerns have been addressed. (Textual Statement III.A.15)

Transportation:

The property (83 acres) lies within Eastern Area Plan. One of the Plan goals is to "Ensure Eastern Midlothian functions as an economic center for the region" by encouraging investment in the area for new business development and redevelopment. Additionally, in the "Purchase and Sale Agreement" for the property, the county has agreed that the purchaser may reject conditions or proffers to the approved zoning that render the project

financially infeasible, such as: 1) payment of any impact fees or fees of a similar nature; and 2) payment for all or any portion of off-site improvements, or offsite road reconfiguration or widening. Therefore, Staff has reviewed this rezoning request from the same perspective as zoning requests within the Jefferson Davis Enterprise Zone (i.e., to aid in redevelopment of the area, Staff has not evaluated the specific traffic impact of this proposed development and the developers have not been requested to provide customary infrastructure improvements or limit the density to achieve an acceptable Level of Service). This request also does not address the traffic impact of this proposed residential development in accordance with the Board of Supervisors' Cash Proffer Policy.

Most of the property is currently zoned for commercial uses with very few zoning conditions that would limit/restrict development of the property. The applicant is requesting rezoning to Regional Business (C-4) with a Conditional Use to permit multifamily and townhouse uses. The Textual Statement includes a maximum density condition that will limit development to 450,000 square feet of shopping center, 150,000 square feet of general office, 350 apartments, 300 condominiums and townhouses, and 60 single-family units, or equivalent traffic generation (Textual Statement Condition 5). However, Condition 5 would allow the Planning Commission to approve a higher density of development. Based on the maximum density outlined in this condition, development could generate approximately 24,500 average daily trips (approximately 990 of these trips will occur in the morning peak hour and approximately 2,340 trips will occur in the evening peak hour).

Most of these vehicles will be initially distributed along Midlothian Turnpike (Route 60). Based on the most recent data from the Virginia Department of Transportation (VDOT), the section of Route 60 from Chippenham Parkway to Providence Road was carrying 59,295 vehicles per day (VPD) in 2006. The capacity of this six and eight lane divided section of Route 60 is acceptable (Level of Service D) for the volume of traffic it carries. As development continues in this area, traffic volumes on area roads will substantially increase. No road improvement projects in this part of the county are included in the Six-Year Improvement Plan.

The property would be redeveloped with the same vehicular access as the existing development (Cloverleaf Mall). The Textual Statement includes a condition that will limit direct vehicular access from the property to Route 60 to the three (3) existing access locations and to Cloverleaf Drive to the one (1) existing access. (Textual Statement Condition 9)

Staff routinely recommends that all of the main streets in residential developments be accepted into the State Highway System. Having these streets accepted into the State Highway System will insure their long-term maintenance. The Textual Statement does include a condition that all of the streets that will accommodate general traffic circulation will be designed and constructed to State (i.e., the Virginia Department of Transportation) standards and taken into the State System. (Textual Statement Condition 8)

The Virginia Department of Transportation's (VDOT) "Chapter 527" regulations, dealing with development Traffic Impact Study (TIA) requirements, has recently been enacted. Staff has been meeting with VDOT to attempt to understand the process and the impact of the regulations. For redevelopment, the regulation states "trips currently generated by existing development that will be removed may be deducted from the total site trips that are generated by the proposed land use". VDOT has indicated that a "Chapter 527" TIA may not be required, but a "non-Chapter 527" TIA may be required in order to determine the impacts generated by the site. At this time, it is uncertain what impact VDOT's regulations will have on the development process or upon zonings approved by the county.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	750*	1.00
Population Increase	2,040	2.72
Number of New Students		
Elementary	174.45	0.23
Middle	97.50	0.13
High	126.75	0.17
TOTAL	399.00	0.53
Net Cost for Schools	\$4,011,000	\$5,348
Net Cost for Parks	453,000	604
Net Cost for Libraries	261,750	349
Net Cost for Fire Stations	303,750	405
Average Net Cost for Roads	6,706,500	8,942
TOTAL NET COST	\$11,736,000	\$15,648

*Based on the textual statement (Textual Statement III.A.3.). The actual number of dwelling units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$15,648 per unit. The developer has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. No proffered conditions have been offered that address the development's impact on capital facilities.

This proposal represents a joint effort between the private and public sector for redevelopment of a key gateway to the County. The real estate assessments on the subject property, and

corresponding revenues, have declined significantly over time and the proposed project is designed to reverse that trend with new investments. The County has initiated this zoning request, recognizing the importance of revitalizing a distressed area.

The Economic Development Authority (EDA) of the County and the County have entered into an agreement with a developer for the purchase of the mall property. Terms of the agreement stipulate that the EDA and the County agree that the developer may reject conditions or proffers that require the developer to pay any impact fees or fees of a similar nature that reasonably render the project financially infeasible. The developer has advised county staff that payment of cash proffers would render the project financially infeasible. Staff believes that payment of cash proffers on this project negatively impacts the financial feasibility of the project but cannot conclude with absolute certainty that any level of cash proffer payments would render the project, financially infeasible.

Note that circumstances relevant to this case, as presented by the developer, have been reviewed and it has been determined that it is appropriate, if desired, to accept the maximum cash proffer in this case. The Planning Commission and the Board of Supervisors, through their consideration of this request, may determine that there are unique circumstances relative to this request that may justify acceptance of proffers as offered for this case. This project represents a significant revitalization initiative in a key area of the county. Furthermore, the proposal includes substantial upgrades to the existing conditions.

OFFICE OF REVITALIZATION

In 2004, the Chesterfield County Board of Supervisors purchased the Cloverleaf Mall and surrounding lands in order to redevelop this key site and revitalize the Eastern Midlothian Corridor and surrounding residential areas. The County strategy is to spur additional investment and improvement in the surrounding area and overturn recent blighting forces.

This County decision was based on advice from national and local real estate experts. Howard Kohn, a national retail expert, was hired to conduct a market analysis for the site and recommend a strategy for the local government. In addition, a group of the best development experts in the Richmond region were brought together through the Richmond District of the Urban Land Institute (ULI) to advise the County.

Both groups determined that the future of the site was no longer as a shopping mall and that the County government must play a lead role in the redevelopment of the site. The private sector could not do it alone. The ULI Report stated:

“Chesterfield County should be an active participant in the redevelopment of the study area instead of acting in its traditional capacity as the approving agency. The County should limit its risk to the public areas, supporting infrastructure, and demolition expense and property ownership.”

After working with a previous developer during 2005, Chesterfield County signed an agreement with Crosland Inc, headquartered in Charlotte, NC, to redevelop the Cloverleaf Mall.

Particularly attractive to county officials was Crosland's ability to handle all aspects of mixed- and multi-use development within its company through its retail, land development, office, apartments and contracting divisions and the quality of their development projects.

On January 24, 2007, the Chesterfield County Board of Supervisors approved a purchase and sale agreement with Crosland LLC subject to several sales contingencies including rezoning of the property and public financial support.

The county's purchase and redevelopment of the Cloverleaf Mall site is part of a broader strategy to revitalize the Eastern Midlothian Turnpike Corridor and nearby neighborhoods. The county strategy is to create an attractive, economically successful, mixed use, redevelopment project at the Cloverleaf Mall site. The size and location of this project is of such significance to encourage business and residential investment and improvement in surrounding properties.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Eastern Midlothian Plan which suggests the property is appropriate for regional mixed use to include a mixture of integrated office, shopping center and light industrial parks. Further, the Plan states that where appropriate, community scale mixed uses, such as shopping centers, other commercial uses or offices, but not residential uses, may be appropriate.

The Plan recognizes the strategic regional location and importance of the Eastern Midlothian Corridor to Chesterfield County and recommends that a balance of land uses be provided to promote healthy neighborhoods and employment growth. While the Plan encourages continued efforts for business growth and suggests regional retail and employment opportunities for properties in proximity to Chippenham Parkway, the Plan identifies challenges for the area noting that market trends may diminish commercial/retail uses as the dominant land use. Specifically, the Plan suggests that a shift in demand for goods and services would likely impact retail space allocations in the area and that Cloverleaf Mall may be impacted by these changes or increased competition from outside of the area.

The vision of the Plan is a sustainable community with stable, healthy businesses and residential neighborhoods. Goals of the Plan include the creation of an inviting atmosphere where people want to work, play, shop and live; strengthen neighborhoods and communities by increasing home ownerships, promoting a balance of housing types and providing services and facilities to support neighborhoods; and to ensure that the Corridor functions as an economic center for the region.

Major concerns during the Plan's development included the existence of a high percentage of non-owner occupied residential units in the geography. The Plan attempts to discourage further residential development in areas designated for community and regional mixed use and to reserve these areas for future economic development

opportunities. The Plan does acknowledge retail demand changes in the Corridor, but suggests that other economic development opportunities such as office and light industrial uses are opportunities that should be available for future development. The Plan even suggests that more intense non-residential uses may be appropriate in these areas if their impacts on surrounding uses as well as special design criteria are addressed.

As a caveat, the Plan suggests that should it be determined under any circumstances that residential uses may be appropriate, such uses should be of high quality and upscale design and subsidiary to, and integrated within, office, commercial or light industrial projects.

Area Development Trends:

Development along this portion of Midlothian Turnpike is characterized by commercial zoning and land uses. A few properties to the south, east and west are occupied by residential uses or are vacant. The area, to include the subject property, has experienced a decline in retail demand and property values and as a result has experienced an overall decline and high vacancy rates.

History:

Cloverleaf Mall opened on a portion of the request property in 1972 with nearly 700,000 square feet of retail space and offering a wide variety of retail tenants. In February, 1986, and May, 1999, the Board of Supervisors approved rezoning (Cases 86S021 and 91SN0141) of additional land for parking and a cinema adjacent to the mall. In June, 1998, a Substantial Accord approval was granted for a Chesterfield County Community Policing office.

In 2004, the Board of Supervisors initiated the County's purchase of the Mall and surrounding parcels as an active public redevelopment project. The County has obtained a development partner, Crosland, to undertake the redevelopment of the subject property. This effort is further described in the "Revitalization" section of this analysis.

Site Design:

The eighty-three (83) acre request property is proposed for Regional Business (C-4) zoning with Conditional Use to permit multi-family and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. A mixed use project consisting of commercial, office and residential uses is planned. A variety of residential uses are proposed including multi-family condominium and non-condominium uses and attached and detached single family residential units on a variety of lot sizes. The development will have design features which include pedestrian access, street trees, open spaces, decorative lighting, buildings and parking areas located close to roadways and recreational areas. While it appears the intent is to develop a new urbanism type development, the Textual Statement fails to insure such a design. As submitted, the project could also be developed as a traditional suburban type development which

includes design elements such as sidewalks and street trees. It would even be possible for the existing structure to remain and be renovated.

A Zoning Plan submitted with the application divides the property into two (2) development tracts, one designated as a commercial mixed-use area and the second as a residential mixed-use area. The boundaries and sizes of tracts may be modified provided townhouse or single family residential uses are located in the southeast corner of the property adjacent to existing single family residential uses (Textual Statement I). Otherwise, there is no limitation on the manner in which the tract boundaries may be adjusted. The mixing of uses within each Tract (for example, single family and townhouse uses may be located adjacent to each other or single family uses may be located adjacent to commercial uses) may be permitted upon consideration of compatibility of uses and appropriate transitions and with the approval of a Conceptual Plan. (Textual Statement III.A.2)

The Conceptual Plan may be approved by either the Planning Commission or Planning Department at the election of the developer and the plan may be appealed in accordance with the provisions for site plan appeal. Staff notes that appeals would be limited to the applicant for the conceptual plan or any “aggrieved person” (an aggrieved person is defined as an owner or leasee of adjacent property or property nearby who will be adversely affected by the approval in an immediate and substantial manner not shared by the public generally.) Given these circumstances, it may be more appropriate for the conceptual plan to be approved by the Planning Commission, thereby allowing greater public input into the conceptual plan review and approval process.

Unless specifically regulated by the Textual Statement, the development of all Tracts must comply with the requirements of the Zoning Ordinance for Post Development Districts for Regional Business (C-4) uses. The purpose of the Post Development District standards is to provide flexible design criteria that ensures continuity of development and promotes renovation and improvement of developed areas. Such standards address access, parking, landscaping, architectural treatment, setbacks, signs and screening.

Uses Permitted Within Certain Tracts:

As previously noted, the development is separated in to two (2) development tracts or use areas: Commercial Mixed Use Area (Area I) and Residential Mixed Use Area (Area II). Uses permitted within these areas and minimum development standards for each use are outlined in the Textual Statement and further described herein.

Commercial Mixed Use Area: (Area I)

Area I consists of approximately seventy (70) acres. As previously noted, the tract boundaries may be adjusted resulting in an encroachment into the residential mixed use area. This area could be developed for a mix of commercial and residential uses (Textual Statement II.A). Specifically, Regional Business (C-4) uses plus townhouse and multi-family dwellings, to include over-shop housing,

would be permitted. As previously noted, development would be required to meet Post Development District standards for Regional Business (C-4) uses, except as provided in the Textual Statement for residential uses and certain design criteria for the non-residential uses such as landscaping along Midlothian Turnpike. (Textual Statement III.D and III.E)

Residential Mixed Use Area: (Area 2)

Area 2 designated as a Residential Mixed-Use Area is comprised of approximately thirteen (13) acres. As previously noted, the tract boundary may be modified without limitation with respect to size. Such adjustment may result in the residential mixed use area encroaching into the area designated for commercial mixed use.

Uses permitted by right or with restrictions in the Residential Townhouse (R-TH) District and single family detached dwellings on lots with a minimum area of 5,000 square feet are proposed in this area (Textual Statement II.B and C). Development of single family detached units within this area would conform to the requirements of the Residential (R-9) Zoning District unless otherwise provided for in the Textual Statement (Textual Statement III.B). Townhouse units within this area would comply with the standards set forth in the Textual Statement (Textual Statement III.C). As previously noted, the entire property would be subject to Post Development requirements unless otherwise specified. Therefore, except as specified in the Textual Statement, the townhouses will be subject to Post Development requirements. Staff would suggest that the Textual Statement be revised to clarify whether the townhouse developments will meet Post Development District standards or the Residential Townhouse (R-TH) District standards except as specified in the Textual Statement.

The Textual Statement establishes minimum dwelling sizes for the single family detached and townhome units. The Textual Statement ties house sizes to the recordation of a cumulative number of townhouse or single family units. (Textual Statement III.B.8 and III.C.12). A minimum standard for dwelling sizes should be established without restrictions and for recordation of fewer than thirty (30) units. Standards for the townhouses and single family units address minimum square footages, provided a cumulative number of thirty (30) lots or more are recorded within the entire project for either townhouses or single family. If twenty-nine (29) or less lots are recorded, there will be no minimum square footage requirements. It should be noted that unless the entire residential area is recorded (either townhouses or single family) at the same time, the cumulative number may not initially be reached, but may through subsequent recordations. This creates tracking and enforcement issues. As previously noted, the Plan states that if residential development is to be allowed, it should be of high quality, up-scale design. Staff notes that such criteria can be achieved through other means than minimum square footage requirements; however, square footage is one mean to address quality and up-scale design.

Phasing of Uses and Mix of Uses:

The Textual Statement addresses the amount of residential and commercial uses to be planned, as well as the timing of construction of these uses for the entire development. (Textual Statement III.A.4)

A phasing requirement has been offered. As noted, the condition requires that a minimum of 300,000 gross square feet of commercial or office use be planned for the entire property. The criteria does not require construction of the 300,000 square feet, but does require that the conceptual plan provide for that square footage. This requirement would be reduced to 200,000 square feet after eighteen (18) months from the issuance of the first building permit for commercial or office use. The potential exists for a small commercial or office square footage to obtain a building permit, and after eighteen (18) months the square footage of commercial would be reduced to 200,000 square feet.

It is important to note that a minimum of 160,000 gross square feet of commercial or office space must have obtained a building permit before any building permits can be issued for a residential use unless the residential use is located above the first floor of a non-residential use. The condition only requires release of the office or commercial building permit, but does not require the construction or occupancy of the non-residential uses. Once the commercial or office building permit is issued, all of the 750 dwelling units may be constructed. The condition does not obligate the developer to construct office or commercial space.

Based upon countywide averages of 8,000 gross square feet of commercial space per acre, 300,000 square feet would occupy approximately 37.5 acres of the Commercial Mixed Use Area (Area I – 70 acres) allowing the remaining 32.5 acres to be occupied by other permitted uses such as multifamily and townhouse uses. By comparison, the 160,000 gross square feet of commercial and office space could occupy approximately twenty (20) acres resulting in approximately fifty (50) acres being available for residential uses. Such adjustments would be possible with the ability to adjust tract boundaries.

Commercial Uses:

The Textual Statement requires a minimum of 300,00 gross square feet of commercial or office uses be planned for the development, but reduces that requirement of 200,000 gross square feet under certain circumstances.

Residential Units:

A maximum of 750 residential units would be permitted. (Textual Statement III.A.3). In addition, the Textual Statement limits non-condominium multi-family residential units which are not age-restricted or located within the upper story of a commercial or office building to a

maximum of 350 units. (Textual Statement III.E.2) This requirement is intended to address concerns of the Plan with respect to the amount of non-owner occupied units in the area. It should be noted that zoning does not allow restrictions which require owner-occupied units, nor limit the ability to rent individual dwelling units. It is also important to note that there would be no limitation on the number of non-condominium, age restricted units or the number of such units that are located on the upper floors of commercial or office uses.

With the ability to age restricted residential units as well as above shop housing, the number of potential multi-family units could approach the total 750 dwelling unit limitation.

If age restricted units are to be developed, a standard should be included that requires any housing units designed for occupancy by seniors to be grouped together and identified on plans to better track the long term enforcement of the occupancy restrictions.

Site Parking Requirements:

All Uses: It is requested that on-street parking be allowed to count towards the required number of parking spaces for all uses (Textual Statement III.A.14). Given the intended urban character of the development, Staff supports such exception. Staff would suggest that the provision be modified to delete the credit for “nearby uses”. Staff is unsure the definition of “nearby uses” and would suggest that the requirement apply to the entire project.

Commercial and Office Uses: Except for the provision of counting on-street parking as discussed above, parking for these uses will be calculated based on Zoning Ordinance requirements.

Residential Uses: The Ordinance requires the provision of two (2) off-street parking spaces for each dwelling unit. An exception is requested to permit parking within garages to be credited towards this minimum requirement (Textual Statement III.A.10). While staff supports such exception since it reduces the amount of impervious area and furthers the intended new urbanism theme. The developer and future owners should be cautioned that it will not be possible in the future to convert garages into living space.

As noted above, the Ordinance requires the provision of two (2) off-street parking spaces for each residential single family, multifamily and townhouse unit, except age restricted multifamily dwellings which require a minimum of 1.2 parking spaces for each such unit. Provision of 1.5 spaces for each multi-family unit regardless of age-restriction is proposed. (Textual Statement III.D.3 and III.E.5). With no data to substantiate reductions in these parking requirements for non-age restricted units, staff does not support these exceptions.

Other Residential Standards:

The requirements offered for the project (such as setbacks for front loaded garages, street trees and sidewalks on both sides of roads where uses front the streets) where exceptions to Ordinance development standards (i.e. minimum setbacks and lot areas) are requested are consistent with those typically required by the Planning Commission and Board of Supervisors on similar residential projects recently approved (Textual Statement III.A.11 and III.B.9 and III.E). It is, however, important to note that the requirements for such amenities will be based upon “industry standards”. Typically, such requirements are per the Zoning or Subdivision Ordinance or as may be determined by the Planning Department at the time of plans review. Staff is unclear of the meaning of “industry standard”. In addition, the application does not address whether hardscaped driveways and alleys will be provided which is a typical requirements in such projects.

For the townhouse units, front loaded garages may be two (2) feet closer to the street than the front façade of a dwelling unit. This is not consistent with the Commission’s policy which requires that front loaded garages to be no closer to the street than the façade of the dwelling unit.

Recreation Areas:

A minimum of 40,000 square feet of open space is proposed throughout the development (Textual Statement III.A.13). A minimum of 15,000 square feet is proposed within the Commercial Mixed Use Area for open green space and outdoor public activities with uses located around the open area and oriented to face the area in a central place to serve as a focal point for the entire development. Within the residential area, one-half of an acre (0.5) will be provided with part of such area having benches or other amenities to accommodate and facilitate gatherings. The application does not address the timing of the construction nor completion of such areas. Further, in the area designated for Commercial Mixed Use (Area 1), while the Textual Statement addresses provision of open space with uses surrounding that space, such uses could be residential versus commercial. Staff believes that the intent was to create open space surrounded by non-residential uses thereby creating synergy within the commercial component. However, given the ability to adjust tract boundaries and the ability to have residential uses in this area, such design is not guaranteed.

Building Height:

The maximum building height for the development would be twelve (12) stories. (Textual Statement III.A.6)

Landscaping and Sidewalks Along Midlothian Turnpike:

Landscaping and sidewalks are proposed along Midlothian Turnpike in accordance with the Zoning Ordinance requirements for Landscaping H (Textual Statement III.A.12). Staff suggests Landscaping J be provided along Midlothian Turnpike. Landscaping J

would address one of the goals of the Plan to minimize the visibility of parking areas from the corridor. Landscaping J requires a hedgerow, low shrubs and ground cover and one (1) large deciduous tree every thirty-five (35) feet rather than just one (1) large deciduous tree every fifty (50) feet which is the standard of Landscaping H. The additional landscaping would assist in reducing the visual impact of paved areas and be a visual enhancement for this area.

Architectural Conditions for Commercial, Office and Mixed Use Buildings:

Minimum standards for architectural treatments and permitted materials are required. (Textual Statement III.A.18)

Restrictive Covenants for Residential Uses:

Textual Statement III.F. requires restrictive covenants be recorded which at a minimum establish architectural guidelines and an architectural review committee for the multi-family and townhome portion of the development. It is important to note that the County will only ensure the recordation of the covenants and will not be responsible for their enforcement. Once recorded, the covenants can be changed. The County will have one representative appointed by the Board of Supervisors and one member of the Revitalization Office on the Review Board. The proposed covenant does not address the total number of Review Board members and therefore, the ability of governmental representatives to influence final decisions is limited. The Restrictive Covenants, therefore, carry no guarantee of a quality, up-scale residential development, consistent with the recommendations of the Plan.

CONCLUSIONS

Should the Planning Commission and Board of Supervisors determine that the proposal supports the revitalization efforts along the eastern Midlothian corridor, approval of this request would be appropriate. The application provides the County's development partner with maximum flexibility to respond to market demands which has the potential to result in new development that could have a positive impact on the surrounding area. While there are limited guarantees relative to the ultimate development of a mixed use project with a primary focus on non-residential development and where the ultimate design has not been well defined, consideration should be given to the importance of this revitalization effort.

CASE HISTORY

Planning Commission Meeting (8/21/07):

At the request of the applicant's representative, the Commission deferred this case to their September 18, 2007, public hearing.

Staff (8/22/07):

The applicant's representative was advised in writing that any new or revised information should be received no later than August 27, 2007, for consideration at the Commission's September 18, 2007, public hearing.

The Applicant's Representative Development Partner, Midlothian and Clover Hill Districts Planning Commissioners, Midlothian District Supervisor, Staff, and Area Citizens (9/6/07):

A meeting was held to discuss the request.

Staff (9/7/07):

No new or revised information has been received.

Staff (9/7/07):

If the Commission acts on this case on September 18, 2007, it will be considered by the Board of Supervisors on September 26, 2007.

Planning Commission Meeting (9/18/07):

On their own motion, the Commission deferred this request to October 24, 2007.

The Board of Supervisors, on Wednesday, September 26, 2007, beginning at 6:30 p.m., will take under consideration this request.

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Chippenham Place Textual Statement

Revised August 6, 2007

All property subject to this rezoning (“the Property”) shall be zoned Regional Business (C-4) with a Conditional Use to permit townhouse and multi-family uses in accordance with the requirements specified herein, and with Conditional Use Planned Development to permit use and bulk exceptions as specified herein.

I. Specification of Areas within the Property

The Property is shown on the Zoning Plan prepared by Land Design dated July 5, 2007 (“Zoning Plan”), which delineates the general location of the Commercial Mixed Use Area and the Residential Mixed Use Area referred to in this Textual Statement. The boundary between these two Areas may be adjusted, provided that only townhouse or single-family uses shall be permitted in the southeast corner of the Property, within one hundred (100) feet of Tax IDs 7657054933, 7657056518, and 7657054309.

II. Permitted Uses

- A. Within the Commercial Mixed Use Area, the following uses shall be permitted, subject to the requirements stated in this Textual Statement:
 - 1) Uses permitted in the Regional Business (C-4) District;
 - 2) Multi-family;
 - 3) Townhouses; and
 - 4) Multi-family uses located on upper stories above uses permitted in the C-4 District.
- B. Within the Residential Mixed Use Area, the following uses shall be permitted, subject to the requirements stated in this Textual Statement:
 - 1) Townhouses and other uses permitted by right or with restrictions in the R-TH Residential Townhouse District; and
 - 2) Single-family detached dwellings.

III. Required Conditions

- A. Conditions Applicable to Entire Property
 - 1) Master Plan. The Zoning Plan and this Textual Statement shall be considered the Master Plan.
 - 2) Mixing of Uses. A conceptual plan addressing land use compatibility and transition within the property and with adjacent

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properties will be submitted for review and approval. Consideration of land use compatibility and transition may include, but not be limited to, the exact location of uses, site design, and appropriate use transitions. The conceptual plan shall be reviewed and approved by the Planning Commission or the Planning Department, at the election of the developer, and such review shall be subject to appeal in accordance with the provisions of the zoning ordinance for site plan approval.

- 3) Residential Unit Maximum The total number of residential dwelling units on the property shall not exceed 750 dwelling units.

- 4) Phasing. A minimum of 300,000 gross square feet of commercial or office uses shall be planned for development within the Property as submitted and approved on the required Conceptual Plan. Such development may be phased, provided that, prior to issuance of a building permit for any residential unit except one located on an upper story of a building in which the ground floor will be a commercial or office use, building permits shall have been issued for a minimum of 160,000 gross square feet of commercial or office uses within the Property.

After eighteen months from the issuance of the first building permit for commercial or office use, the developer's obligation to develop a minimum of 300,000 gross square feet of commercial or office use shall be reduced to 200,000 square feet of commercial or office use.

- 5) Maximum Density. The maximum permissible density shall be 450,000 square feet of shopping center, 150,000 square feet of general office, 350 non-condominium multi-family units, 200 condominium units, 100 townhouses, and 60 single-family dwellings, or equivalent traffic generation as determined by the Transportation Department. At the election of the developer, higher densities may be approved by the Planning Commission if the other requirements of zoning are met.

- 6) Building Height. The maximum building height shall be twelve (12) stories.

- 7) Public Water and Wastewater. The public water and wastewater systems shall be used.

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- 8) Public Streets. All roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Such roads shall be considered special access streets. Except as otherwise specified herein, setbacks from such streets may be reduced or eliminated in accordance with § 19-505(b) of the Zoning Ordinance
- 9) Vehicular Access. Direct vehicular access from the Property to Midlothian Turnpike shall be limited to the three (3) existing access locations, and direct vehicular access from the property to Cloverleaf Drive shall be limited to the one (1) existing access location.

Development of the Property shall include the potential for vehicular access from the Property to the west, south, and east, as shown conceptually on the Zoning Plan. The exact location and number of such future accesses shall be approved by the Transportation Department. Any modifications of these accesses shall be approved by the Transportation Department.

- 10) Parking. If residential units have garages, one parking space within garages shall be counted toward the minimum parking requirements
- 11) Sidewalks, Street Trees and Decorative Lights. Sidewalks, street trees and decorative lights with spacing appropriate for the adjacent use according to accepted industry standards shall be provided along both sides of those portions of internal public streets that have uses fronting the street and where necessary to provide pedestrian connections among the various uses within the Property.
- 12) Landscaping and Sidewalks Along Midlothian Turnpike. Along Midlothian Turnpike, sidewalks and landscaping in accordance with the requirements for Landscaping H under the Zoning Ordinance shall be provided, except that an alternative landscaping and sidewalk plan may be used if requested by the Developer and approved by the Planning Department provided such alternative meets the spirit and intent of Landscape Standard H.
- 13) Recreation Areas. Area(s) conveniently accessible to and included within the development totaling not less than 40,000 square feet shall be provided for suitable recreational use by the various uses within the Property. These areas shall include: (a) a minimum of

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15,000 square feet within the commercial and office portion of the development, which shall be designed to provide open green space and for outdoor public activity, with uses located around the perimeter of such open area and oriented to face toward such area in a visible central place to serve as a focal point for the entire development; and (b) recreation area(s) with a minimum of 0.50 acres within the residentially developed portions of the Property. Part of such residential recreation area shall have benches or other amenities that accommodate and facilitate gatherings.

- 14) On Street Parking Designated on street parking is to be counted towards the parking space requirement of nearby uses.
- 15) Residential Multi-Family and Townhouse Security. The owner or its successor shall meet the Crime Prevention through Environmental Design (CPTED) standards, whenever practicable, in the design of a multi-family or townhouse project as approved by the Chesterfield County Police Department.

If the project experiences Group A crime incidents above the County average for a year or longer, then the owner or successor shall submit a security plan to the Chesterfield County Police Department for review and approval.

- 16) Drainage The developer will re-direct as much stormwater runoff as practicable from the existing impervious area that drains to the south.
- 17) Timbering With the exception of timbering that has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed.
- 18) Architectural Conditions for Commercial, Office, and Mixed Use Buildings

Buildings shall be constructed of modern materials with design elements consistent with the Colonial Revival Style of the late nineteenth and early twentieth centuries

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Building materials are to consist of masonry (brick, stone, or split faced block), cementitious siding (hardi siding), EFIS, precast stone, or similar materials

Architectural trim materials shall be constructed of architecturally complimentary materials

Painted block may be used on facades in service areas that are not visible from areas generally accessible to the public.

B. Conditions for Single-Family Detached Units

Shall meet the requirements of the R-9 Zoning District except as follows:

- 1) *Lot area and width.* Each lot shall have an area of not less than 5,000 square feet and a lot width of not less than 40 feet.
- 2) *Percentage of lot coverage.* No maximum
- 3) *Front yard.* Minimum of 5 feet in depth. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- 4) *Side yard.* Two side yards, each with a minimum of 5 feet in width.
- 5) *Corner side yard.* Minimum of 10 feet.
- 6) *Rear yard.* Minimum of 20 feet in depth.
- 7) *Setbacks for Accessory Structures*
Side: 5 feet minimum
Corner Side: 10 feet minimum
Rear: 2 feet minimum
- 8) A minimum of 20% of lots shall be designated for homes of 2200 gross square feet or larger if a cumulative total of more than 30 lots are recorded within the entire project property for single family detached units.
- 9) Front loading garages shall be located no closer to the street than the front façade of the dwelling unit.

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C. Conditions for Townhouse Units

- 1) Lot area and width. Each lot shall have an area not less than 1800 square feet and a lot width of not less than 18 feet.
- 2) Percentage of lot coverage. No maximum. No accessory building on any lot except for a private garage shall cover more than 225 square feet.
- 3) Front yard. Minimum of 5 feet in depth. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- 4) Side yard. A side yard of not less than 2.5 feet in width shall be provided for each end residence in townhouse groups.
- 5) Corner side yard. Minimum of 10 feet.
- 6) Rear yard. Minimum of 10 feet in depth.
- 7) Driveways and parking areas. All roads and parking areas shall have concrete curbs and gutters.
- 8) Group or row design. The total number of lots within each attached group or row of townhouses shall be varied, but in no case exceed fifteen (15), and shall be designed and sited as outlined herein.
- 9) Setbacks for Accessory Structures
 - (a) Front: greater than principal structure
 - (b) Side: 2 feet minimum
 - (c) Corner Side: 10 feet
 - (d) Rear: 2 feet
- 10) Common Areas Between Buildings

A minimum common area of ten feet in width shall be provided for each exposed side, front, and rear of all lots of a block, except the side, front, and rear of any lot or lots fronting or abutting a public street
- 11) Front loading garages shall be located no more than 2 feet closer to the street than the front façade of the dwelling unit.

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- 12) A minimum of 20% of the lots shall be designated for townhomes of 1700 gross square feet or larger if a cumulative total of more than 30 lots are recorded within the entire project property for townhouse units.

D. Conditions for Residential Condominium Units

- 1) Condominium Requirements. All such units must comply with the requirements of the Virginia Condominium Act.
- 2) Integration of Uses. Any residential condominium units shall be integrated with commercial and office uses by locating the units adjacent to a commercial or office use. Vertical integration of commercial, office, and residential units shall be permitted.
- 3) Parking. The minimum number of off-street parking spaces shall be 1.5 spaces per dwelling.

E. Conditions for Non – Condominium, Multi-Family Units

- 1) Integration of Uses. Any non-condominium, multi-family units shall be integrated with commercial and office uses by locating the multi-family use adjacent to a commercial or office use. Vertical integration of commercial, office, and residential units shall be permitted.
- 2) Number of Non-Condominium, Multi-family Units. The maximum number of non-condominium, multi-family units located on the Property shall be 350; provided that such total shall not include those units that comply with the Virginia Condominium Act, those located on the upper story of a building in which the ground floor is a permitted C-4 use, or those permitted as “housing for older persons” in which residents under the age of 19 are not permitted.
- 3) Setbacks. Buildings shall be setback a minimum of five (5) feet from rights of way.
- 4) Building Separation. Buildings shall be separated by a minimum distance of fifteen (15) feet.
- 5) Parking. The minimum number of off-street parking spaces shall be 1.5 spaces per dwelling.

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F. Restrictive Covenants

Prior to the approval of the site plan for the condominium and non-condominium multi-family residential project or the recordation of the initial subdivision plat for the townhouse project, restrictive covenants shall be recorded that provide for the following:

- 1) An architectural review committee (ARC), that, until such time as the multi-family and townhouse projects are completed, shall include one member appointed by the Chesterfield County Board of Supervisors and one member of the Chesterfield County Revitalization Office. The remaining members of the ARC shall consist of developer representatives and property owners.
- 2) The restrictive covenants shall be filed and copy sent to the Chesterfield County Planning Department to include the Architectural Guidelines listed in Exhibit A. The Architectural Guidelines shall not be changed except by a unanimous decision of the ARC.

Exhibit A Architectural Guidelines for Multi-Family and Townhouse Projects

These guidelines apply to condominium and non-condominium multi-family and townhouse projects that are not vertically mixed in a building with commercial, office, or other nonresidential uses.

Building Design Style: Buildings shall be constructed of modern materials with design elements consistent with the Colonial Revival Style of the late nineteenth and early twentieth centuries. Design is to be consistent with the following principles:

- A. An orderly, symmetrical relationship between the windows, doors, and building mass, and
- B. Building design style shall be similar to the style illustrated on the attached drawings.

Building Materials: Masonry (brick or stone or similar materials), cementitious siding (hardi siding), EFIS, and precast stone; trim or accent elements can be constructed of materials architecturally complimentary to the primary building materials.

Building Arrangement: Buildings are to front on streets as much as practicable in an urbanist style. Streetscape improvements (including street trees and pedestrian scale decorative lights) shall be continued along buildings that front parking lots. Open space, as provided for in the Required Zoning Conditions, shall be located in a visible central place to serve as a focal point for the residential neighborhood,

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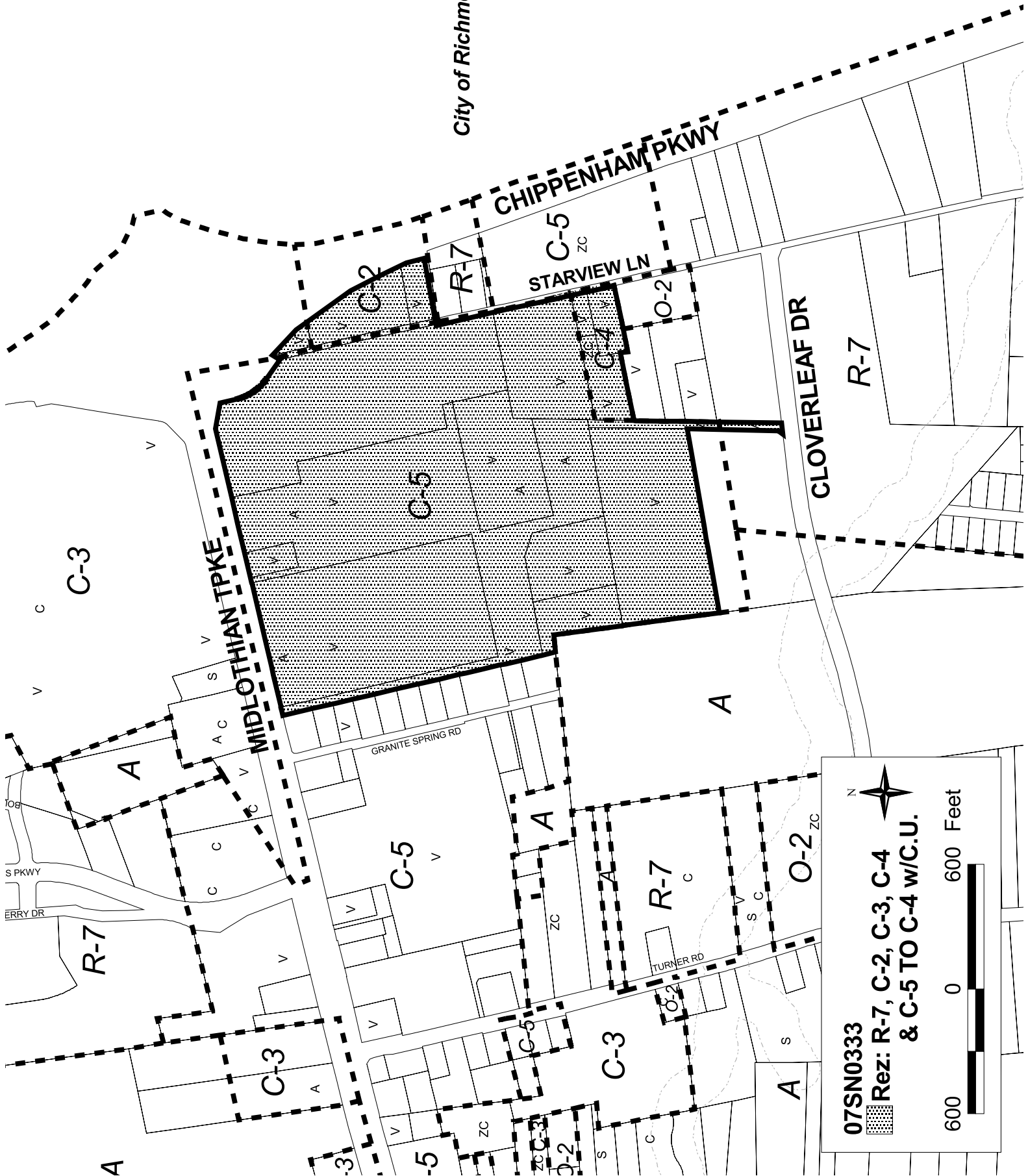
Architectural Features:

- I. The side elevation of building units shall have architectural details and exterior finish materials consistent with the front elevation,
- II. Windows shall be constructed of wood, vinyl, or polymer. Window constructed of wood may be clad in vinyl or PVC,
- III. Clear glass shall be used in all windows and doors. Stained, frosted and tinted glass is not permitted.
- IV. Doors shall typically have six raised panels and may incorporate sidelights and transoms,
- V. Roof penetrations (vents, flues, attic ventilators, etc.) shall be painted to match the color of the roof. Penetrations shall be placed on the rear of the primary ridge when possible,
- VI. Front porches/balconies and street porches/balconies shall be open. Screened or enclosed porches are not permitted. Minimum porch/balcony depth shall be six feet. Urban style metal balconies (juliettes) shall be permitted.

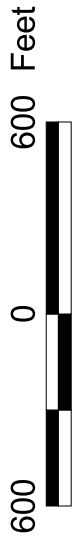
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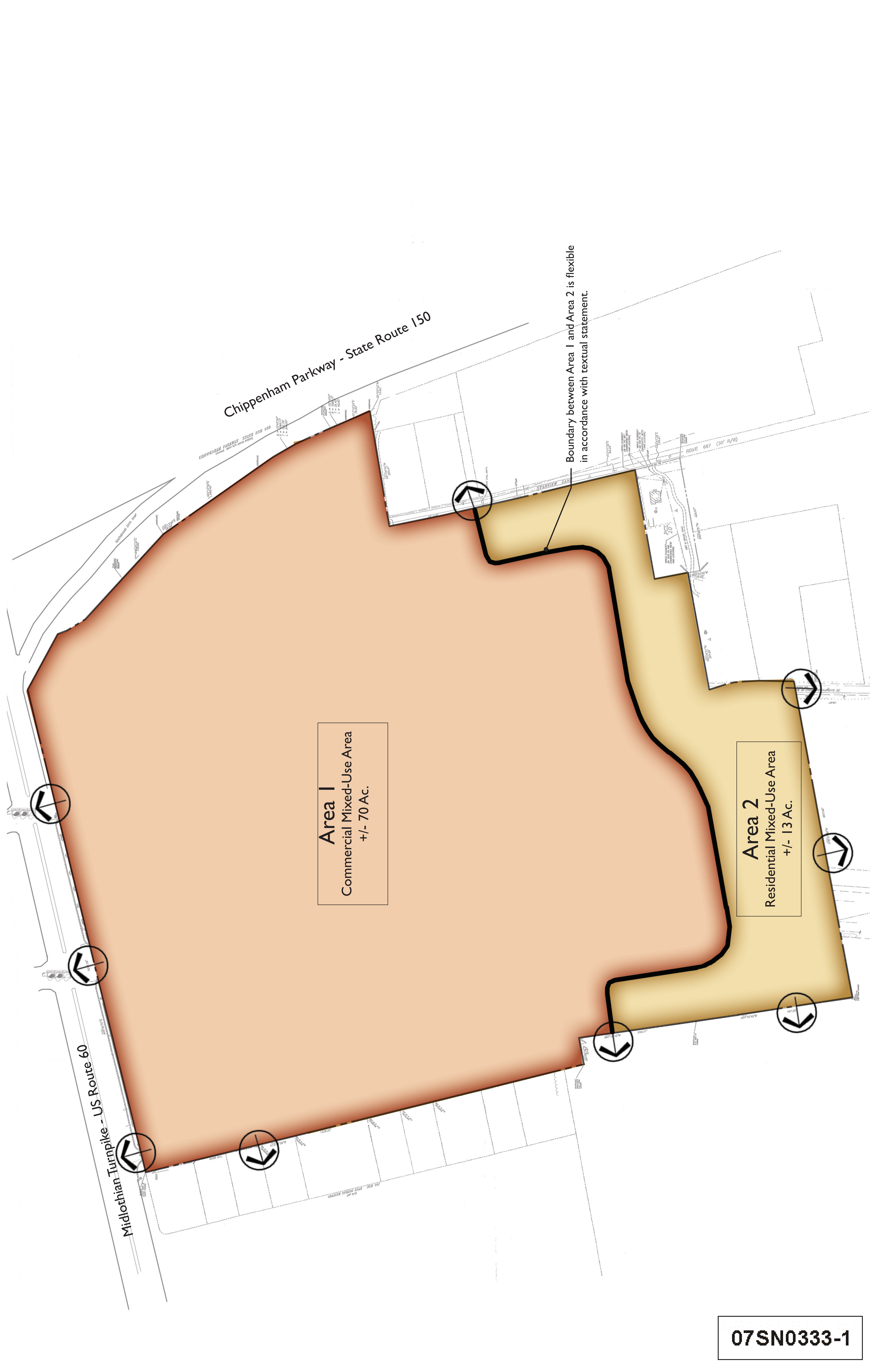


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